



LEAGUE OF
WOMEN VOTERS®

CGA Government Administration and Elections Committee

March 12, 2010 Public Hearing

Comments Submitted By Christine S. Horrigan, Government Director

Opposition To:

SB 364 AAC POST-ELECTION AUDITS

Support For:

SB 421 AAC ELECTIONS

HB 5428 AAC THE POWERS AND DUTIES OF THE STATE ELECTIONS

ENFORCEMENT COMMISSION, THE INTEGRITY OF

ELECTIONS AND REVISIONS TO

THE CITIZENS' ELECTION PROGRAM

HB 5441 AAC CERTAIN REVISIONS TO ELECTIONS RELATED STATUTES

HB 5442 AAC ABSENTEE VOTING BY MEMBERS OF THE MILITARY

AND BY CITIZENS LIVING ABROAD

HB 5471 AAC INDEPENDENT EXPENDITURES

My name is Christine Horrigan. I am Government Director for the League of Women Voters of Connecticut, a statewide organization with over 2000 members dedicated to improving the electoral process. On behalf of the League, I would like to thank you for giving us the opportunity to comment upon the bills that are before the Committee today.

SB 364 AAC POST-ELECTION AUDITS

The League believes that voting systems must be secure, accurate, recountable and accessible (SARA) in order to ensure the integrity of, and voter confidence in, elections. We also believe in open and transparent government. For these reasons, the League supports post-election audits of Connecticut's optical scan voting machines and is an active member of the Connecticut Citizen Election Audit Coalition.

While the League believes in efficient and economical government, we *oppose* SB 364, which would substitute machine based audits for the current system of manual audits, for the following reasons:

- We believe that running the ballots through a town's alternate (back-up machine) with a memory card that's been programmed at the same time in the same way with the same coding on it as the original card is meaningless. This process simply repeats whatever errors there might have originally been involved. As noted in the LWVUS' *Report of the Election Audits Task Force*, "[a]n audit count that simply repeated the original counting procedure, whether electronically or by hand, would add little value to the election-validation process."
- While there may be secure and accurate ways of using another machine to audit a voting machine, the proposed legislation does not contain safeguards, such as clear chain-of-custody requirements for all critical audit components such as ballots, memory cards, moderator reports, etc, and independent testing of memory cards, to reassure us that this so.
- Placing a cap on the number of districts (3) that can be audited from the same town puts an unfair burden on smaller/medium-sized towns that tend to have larger voting districts (therefore more ballots to count) than our cities have.
- Implementation of our current audit procedures needs improvement. The Secretary of the State has convened a group of stakeholders that is working on how to make the current audit procedures more accurate and less confusing for registrars. This should improve the manual audit process.

Again as noted in the League's *Report of the Election Audits Task Force*, "manual counts, properly done with carefully designed protocols and transparency, are currently the preferred and accepted procedure for election audit counts." Our current audit law is a check on the accuracy of our voting equipment--at a time when checks-and-balances in elections are increasingly important. The League urges you to vote "NO" on SB 364.

SB 421 AAC ELECTIONS

The League is mostly supportive of this bill. Among other things, the League *supports*:

- Repealing Section 9-717, the "reversion" clause.
- Making the other changes proposed to the campaign finance laws, especially those changes dealing with issue of lawn signs, streamlining filing procedures and timelines, adding and clarifying definitions, allowing the State Elections Enforcement Commission additional time to review complicated statewide grant applications, and requiring electronic filing of financial disclosure statements in most cases.

- Extending the use of provisional ballots to all elections.
- Allowing the transmission of absentee ballot applications by electronic means, subject to appropriate safeguards.
- Adopting measures to ensure that military and overseas voters have sufficient time to vote. To achieve this goal, the League supports secure electronic transmission of the application for an absentee ballot (both ways) and any absentee ballot to the voter. However, we are concerned about issues related to privacy, voter fraud and undue influence in connection with the transmission of a completed ballot from the overseas voter to the town clerk's office. We would like the Secretary of the State to look carefully and thoughtfully at measures which can ease the transmission of the completed ballot while preserving privacy and preventing fraud and undue influence. We do not believe that these issues surrounding the security and privacy of the completed ballot should be grounds for inaction in providing a secure electronic transmission of ballots to military and overseas voters.

The League *opposes* extending the period for attachment of party privileges to voters who switch party affiliation from three months to four months. We believe that the period for attachment of party privileges should be shortened, not lengthened.

HB 5428 AAC THE POWERS AND DUTIES OF THE STATE ELECTIONS ENFORCEMENT COMMISSION, THE INTEGRITY OF ELECTIONS AND REVISIONS TO THE CITIZENS' ELECTION PROGRAM

The League strongly supports expanding the investigatory and enforcement powers of the State Elections Enforcement Commission as outlined in HB 5428. One of the most disappointing aspects of the rollout of the new voting technology and the voting machine audits has been the lack of consistency exhibited across the state. We believe that this lack of consistency has been exacerbated by the inability of the State Elections Enforcement Commission to enforce the Secretary of the State's regulations, which has resulted in a casual approach to election law processes on the part of some election workers. We strongly support giving the SEEC the power to enforce the Secretary of the State's regulations. Because the right to vote is our most precious right, we also support making violations of the "Voter's Bill of Rights" subject to penalty.

As noted earlier in our comments on SB 421, *AAC Elections*, the League supports lowering the thresholds and expanding the universe for mandatory electronic filing of campaign reports. Mandatory electronic filing promotes transparency in government and prompt disclosure. It is also more efficient, reduces paper and saves money—important considerations in these difficult economic times. We also support allowing the State Elections Enforcement Commission additional time to review grant applications for candidates for statewide office, clarifying when a candidate is deemed to have an opponent for purposes of the Citizens' Election Program and repealing Section 9-717. Finally, to ensure the smooth working of the Citizens' Election Program, we support monetary fines for the failure to file a candidate intent affidavit in a timely manner.

HB 5441 AAC CERTAIN REVISIONS TO ELECTIONS RELATED STATUTES

The League believes that the political process must be open to all citizens and the *right to vote with confidence* must be guaranteed. We support those provisions of HB 5441 which seek to provide greater accountability, clarity and quality control in our election law processes and

which ensure the right to vote. Specifically, we support expanding the use of provisional ballots to all elections, giving the Secretary of the State access to polling places on Election Day for purposes of reviewing compliance with state and federal law, and adopting measures to address voting privacy issues in a consistent manner. The League also supports extending the prohibition on transporting, preparing, repairing and maintaining a voting machine in C.G.S. §9-247a to business entities affiliated with a candidate. However, we would go further and prohibit a member of the immediate family of a candidate from serving as a moderator. *See exceptions to C.G.S. §9-247a.*

HB 5442 AAC ABSENTEE VOTING BY MEMBERS OF THE MILITARY AND BY CITIZENS LIVING ABROAD

As noted in our comments on SB 421, *AAC Elections*, the League supports measures ensuring that military and overseas voters have sufficient time to vote.

HB 5471 AAC INDEPENDENT EXPENDITURES

The League supports this bill which, in response to the US Supreme Court's decision in *Citizens United v. Federal Election Commission*, creates a new category of allowable independent expenditures. Under HB 5471, "entities," including corporations and unions, will be able to make independent expenditures in addition to PACs and individuals. The League believes that any statute responding to the *Citizens United* decision must include strong safeguards to ensure that expenditures by all entities are truly independent. We are pleased that the proposed bill contains "stand by your ad" provisions and that the language regarding what constitutes "coordination" has been expanded. We also support full and timely disclosure of all contributions prior to elections and of expenditures by a stated deadline. To ensure the public's right to know, we believe that the independent expenditures should be disclosed in "real time"—or as rapidly as reasonably possible—through the use of electronic filing.

The League of Women Voters of Connecticut appreciates the opportunity to comment on these bills and looks forward to working with you on these matters.

Thank you.